

RULES OF EAST DONCASTER NETBALL CLUB INCORPORATED

1. The name of the Incorporated Association is EAST DONCASTER NETBALL CLUB INCORPORATED (in these rules called "The Association").

INTERPRETATION

- 2.1 In these rules, unless the contrary intention appears:

"Committee" means the Committee or management of the association.

"Financial Year" means the year commencing 1st July and ending 30th June.

"General Meeting" means a general meeting of members convened in accordance with rule 12.

"Member" means a member of the Association.

"Netball Season" means the season as determined by the Victorian Netball Association Inc. which will normally occur twice over each financial year.

"Non registered" means a playing member who is not properly registered with Victorian Netball Association Inc.

"Ordinary member of the committee" means a member of the Committee who is not an officer of the association under rule 23.

"The Act" means the Associations Incorporation Act 1981.

"The Regulations" means regulations under the act.

"Parent" means any person whether or not the natural mother or father of the person responsible for the care of a person.

- 2.2 In these rules, a reference to the secretary of the association is a reference:

- (a) where a person holds office under these Rules as secretary of the Association – to that person; and
- (b) in any other case, to the public office of the Association.

- 2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

QUALIFICATIONS OF MEMBERSHIP

- 3.1 The members shall comprise:

- (a) Playing members who shall include current or intending to be registered players with the Victorian Netball Association Inc. who shall be either:
 - (i) junior playing members being eligible to play in an under 18 competition or under, or
 - (ii) senior playing members not being junior playing members.
- (b) Ordinary members who shall include parents or other family members, or any other interested persons who can demonstrate that they will provide beneficial services to the Association.
- (c) Life members who shall include persons elected at an annual general meeting in recognition of outstanding service to the club and/or Association.

- 3.2 A junior playing member or an ordinary member who if a playing member would be a junior playing member shall not be eligible to be an officer or ordinary member of the committee.

- 3.3 A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these rules.

- 3.4 A person who is not a member of the Association at the time of incorporation (or who was such a member at the time but has ceased to be a member) shall not be admitted to membership:

- (a) unless he is nominated in sub-clause (3.5); and
- (b) his admission as a member is approved by the committee.

- 3.5 A nomination of a person for membership of the Association:

- (a) shall be made in writing in the form set out in Appendix 1.

- (b) shall be lodged with the Secretary of the Association.
- 3.6 As soon as is practicable after the receipt of a nomination, the Secretary shall refer the nomination to the Committee.
- 3.7 Upon the nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination.
- 3.8 Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of the Association and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the entrance fee and season's subscription.
- 3.9 Should the member be applying for membership after the commencement of the netball season, the Secretary may advise the member that payment is required in a lesser period than 28 days. If the non-payment would cause the Association to cause a team to play with a non-registered playing member, the Secretary may at his/her discretion accept part payment of a subscription in order to meet the cost of registration, but the balance of the subscription shall be due as provided in sub-clause 3.8.
- 3.10 The Secretary, shall upon payment of the amounts referred to in sub-clause 3.8 within the period referred to in that sub-clause, enter the nominee's name in the register of members kept by her and, upon the name being so entered, the nominee becomes a member of the Association.
- 3.11 A right, privilege or obligation of a person by reason of her membership of the Association:
- (a) is not capable of being transferred or transmitted to another person.
- (b) terminates upon the cessation of her membership whether by death or resignation or otherwise.

ENTRANCE FEE AND SUBSCRIPTION

- 4.1 The subscription is payable in advance 28 days prior to the first match of each netball season.
- 4.2 In respect of the first season ending after the incorporation of the Association, the fee shall be as provided in sub-clause 4.4. Thereafter the fee shall be determined by the Committee.

4.3	Entrance Fee		NIL
4.4	Subscription per season:		
	(a) Playing member:		
	(i) if the player is currently registered with Victorian		
	Netball Association Inc. for the netball season		
		Junior	\$19.00
		Senior	\$18.00
	(ii) if the player is NOT so registered		
		Junior	\$25.00
		Senior	\$30.00
	(b) Ordinary member		NIL
	(c) Life member:		
	(i) if the life member is also a playing member		\$4.00
	(ii) if the life member is not a playing member		NIL

REGISTER OF MEMBERS

5. The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member, and the register shall be available for inspection by members at the address of the Secretary. A member may notify the Secretary of any change in his/her name and/or address and upon receiving such notification the Secretary shall enter the new name and/or address in the register in place of the old.

RESIGNATION OF MEMBERS

- 6.1 A member of the Association who has paid all moneys due and payable by her to the Association may resign from the Association by first giving one month's notice in writing to the Secretary of her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.

- 6.2 Upon the expiration of a notice given under sub-clause 6.1, the Secretary shall make in the register of members any entry recording that date on which the member by whom the notice was given, ceased to be a member.

OTHER TERMINATION OF MEMBERSHIP

- 7.1 A person who is a member by virtue of being a parent of a playing member of the Association shall cease to be a member:
- (1) when the playing member is no longer a member of the Association or
 - (2) when the first mentioned person ceases to have the care of the playing member and that person shall give immediate written notice to the Secretary that he/she has ceased to have care of the playing member.
 - (3) A natural person's membership of the Association ceases on his/her death.
 - (4) A person who has not renewed his/her membership.

EXPULSION, SUSPENSION, or FIRING OF MEMBERS

- 8.1 Subject to these rules the Committee may by resolution:
- (a) expel a member from the Association;
 - (b) suspend a member from membership of the Association for a specified period;
 - (c) fine a member in accordance with the regulations if the Committee is of the opinion that the member
 - (i) has refused or neglected to comply with these rules; or
 - (ii) has been guilty of conduct unbecoming a member or conduct prejudicial to the interests of the Association.
- 8.2 A resolution of the Committee under sub-clause 8.1 does not take effect unless:
- (a) the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause 8.3 confirms the resolution in accordance with this clause; or

- (b) the Association at a meeting held in accordance with sub-clause 8.7, confirms the resolution in accordance with this clause.

8.3 Where the Committee passes a resolution under sub-clause 8.1 the Secretary shall, as soon as practicable, caused to be served on the member a notice in writing:

- (a) setting out the resolution of the Committee and the grounds on which it is based
- (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days of the service of the notice
- (c) stating the date, place and time of that meeting
- (d) informing the member that she may do one or more of the following:
 - (i) attend the meeting
 - (ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution
 - (iii) not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that she wishes to appeal to the Association in general meeting against the resolution.

8.4 At a meeting of the Committee held in accordance with sub-clause 8.2, the Committee:

- (a) shall give to the member the opportunity to be heard or represented
- (b) shall give due consideration to any written statement submitted by the member, and
- (c) shall by resolution determine whether to confirm or to revoke the resolution.

8.5 Where the Secretary receives a notice under sub-clause 8.3(iii), she shall notify the Committee and the Committee shall convene a general meeting of the Association to be held not earlier than 14 and not later than 28 days after the date on which the Secretary received the notice.

8.6 At a general meeting of the Association convened under sub-clause 8.5:

- (a) no business other than the question of the appeal shall be transacted.
- (b) the Committee may place before the meeting the details of the grounds for the resolution and the reasons for the passing of the resolution.
- (c) the member shall be given the opportunity to be heard or represented; and
- (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.

8.7 If at the general meeting:

- (a) two thirds of the members present vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
- (b) in any other case, the resolution is revoked.

8.8 A person representing a member in accordance with sub-clause 8.6(c) and 8.4(a) need not be a member.

ANNUAL GENERAL MEETING

9.1 The Association shall in each calendar year convene an annual general meeting of its members.

9.2 The annual general meeting shall be held on such day as the Committee determine.

9.3 The annual general meeting shall be specified as such in the notice convening it.

9.4 The ordinary business of the annual general meeting shall be:

- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting.
- (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year.
- (c) to elect the officers and ordinary members of the Committee.
- (d) to receive and consider the audited statement submitted by the Association in accordance with section 30(3) of the Act.

- (e) the election of life members (if any).
- (f) the appointment of an auditor for the then current financial year, and:
- (g) the approval of Committee decision to nominate a team to participate in any competition other than Doncaster and District Netball Association Inc., if any.

9.5 The annual general meeting may transact special business of which notice is given in accordance with these rules.

9.6 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

SPECIAL GENERAL MEETING

10. All general meetings other than the annual general meeting shall be called special general meetings.

11.1 The Committee may, whenever it thinks fit, convene a special general meeting of the Association.

11.2 The Committee shall, on the requisition in writing of members representing not less than five percent (5%) of the members, convene a special general meeting of the Association.

11.3 The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.

11.4 If the Committee does not make a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three (3) months after that date.

11.5 A special general meeting convened by members in pursuance of these rules shall be convened in a manner as nearly as possible the same as those meetings convened by the Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

GENERAL MEETING AND NOTICES

- 12.1 The Secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member a notice in writing stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 12.2 Except for the ordinary business at an annual general, no business other than that set out in the notice shall be transacted at the meeting.
- 12.3 A member desiring to bring any business before the meeting may give notice of that business in the notice calling the next general meeting after the receipt of the notice.

NOTICES

- 13.1 A notice may be served by or on behalf of the Association upon any member either personally or by sending it by pre-paid post addressed to the member at her address shown in the Register of Members.
- 13.2 Where more than one member resides at the same address, a notice shall be deemed to be properly addressed if addressed to all of those members at that address.
- 13.3 Where a document is properly addressed, pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to, and received by the person at the time at which the letter would have been delivered in the ordinary course of post.

PROCEEDINGS AT MEETINGS

- 14.1 All business that is transacted at a special general meeting and all business that is transacted at the special general meeting with the exception of that referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- 14.2 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote at a general meeting is present during the time when the meeting is considering that item.

- 14.3 Five (5) members personally present being members entitled under these rules to vote at a general meeting constitute a quorum for the transaction of the business of a general meeting.
- 14.4 If within half an hour of the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same date in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.

CHAIRMAN

- 15.1 The President or in his/her absence, the Vice-President, shall preside as Chairman at each general meeting.
- 15.2 If the President and Vice-President are absent from a general meeting, the members present shall elect one of their members to preside as chairman at the meeting.

ADJOURNMENT

- 16.1 The chairman of the general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time, and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 16.2 Where a meeting is adjourned for fourteen (14) days or more, a like notice of the adjourned meeting shall be given as if the meeting were a general meeting not being an adjourned meeting.
- 16.3 Except as provided in sub-clause 16.1 and 16.2 it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

VOTING

17. A question arising at a general meeting shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute book of the Association as evidence of the determination of the resolution without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- 18.1 Upon any question arising at a general meeting a member (entitled under these rules to vote thereat) has only one vote.
- 18.2 All votes shall be given personally or by proxy.
- 18.3 In the case of an equality of voting on a question, the Chairman of the meeting (if entitled under these rules to vote at a general meeting) is entitled to exercise a second or casting vote.
- 19.1 If at a meeting a poll on any question is demanded by not less than three (3) members present at the meeting, a poll shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 19.2 A poll that is demanded on the election of a Chairman or on the question of an adjournment shall be taken forthwith, and a poll that is demanded on any question shall be taken at such time before the close of the meeting as the Chairman may direct.
- 20.1 A member is not entitled to vote at any general meeting unless all moneys due and payable by her to the Association have been paid, provided that she need not have paid the amount of the subscription payable in respect of the current netball season.

PROXIES

- 21.1 Each member shall be entitled to appoint another member as her proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 21.2 The notice appointing the proxy shall be in the form set out in Appendix 2.

COMMITTEE OF MANAGEMENT

22.1 The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 23.

22.2 The Committee:

- (a) shall control and manage the business and affairs of the Association;
- (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions required to be exercised by general meetings of the members of the Association;
- (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association;
- (d) shall be encouraged to appoint assistants to any office of the Association from senior playing members;
- (e) has authority to delegate part of its authority to a sub-committee which shall include at least one senior playing member and one junior playing member; and
- (f) has authority to nominate a team to participate in any competition other than Doncaster & District Netball Association Inc. but such nomination for seasons is subject to approval at the next annual general meeting.

CONSTITUTION

23.1 The officers of the Association shall be:

- (a) a President;
- (b) a Vice-President;
- (c) a Treasurer;
- (d) a Secretary; and

(e) a Chairperson of Selection.

23.2 The provisions of Rule 25 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause 23.1.

23.3 Each officer of the Association shall be appointed to hold office from the close of the annual general meeting at which they are elected to the close of the next succeeding annual general meeting but shall be eligible for re-election.

23.4 In the event of a casual vacancy in any office referred to in sub-clause 23.1 the Committee shall have power to appoint one of its members to fill the vacancy. Any person so appointed shall hold office until the close of the next annual general meeting only, but shall be eligible for re-election.

24.1 Subject to section 23 of the Act, the Committee shall consist of:

(a) the officers of the Association; and

(b) 2 ordinary members –

each of whom shall be elected at the annual general meeting of the Association in each year.

24.2 Each ordinary member of the Committee shall, subject to these rules, hold office until the annual general meeting next after the date of his/her election but is eligible for re-election.

24.3 In the event of a casual vacancy occurring in the office of ordinary member of the Committee, the Committee shall have the power to appoint a member to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his/her appointment but shall be eligible for re-election.

ELECTION OF COMMITTEE MEMBERS

25.1 Nominations of candidates for election as officers or ordinary members of the Committee:

- (a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the Secretary not less than seven (7) days before the date fixed for the holding of the annual general meeting.
- 25.2 If insufficient nominations are received in accordance with sub-clause 25.1 to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- 25.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 25.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 25.5 The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
- 25.6 A nomination of a candidate for election under this clause is not valid if that candidate has been elected to another office at the same annual general meeting.

GROUND FOR TERMINATION OF OFFICE

26. For the purposes of these rules, the office of an officer of the Association or of any ordinary member of the Committee becomes vacant if the officer or member:
- (a) ceases to be a member of the Association;
 - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
 - (c) resigns his/her office by notice in writing given to the Secretary.

QUORUM AND PROCEDURE AT MEETINGS

- 27.1 The Committee shall meet at least three (3) times in each year at such place and such times as the Committee may determine.
- 27.2 Special meetings of the Committee may be convened by the President or by any four (4) members of the Committee.
- 27.3 Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 27.4 Any four (4) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 27.5 No business shall be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall (unless it is a special meeting) stand adjourned to such day, and at such time and place, as determined by the Chairman and specified by him at the time of the adjournment or by written notices to the Committee members given three (3) clear days before the day to which the meeting is adjourned. If no determination is made by the Chairman or so specified, then the meeting shall stand adjourned to the same day in the next week at the same date and place. If the meeting is a special meeting it lapses.
- 27.6 At meeting of the Committee:
- (a) the President or in his absence the Vice-President shall preside; and
 - (b) if the President and the Vice-President are absent, such one of the remaining members of the remaining Committee as may be chosen by the members shall preside.
- 27.7 Questions arising at a meeting of the Committee or of any sub committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member of the Committee, by a poll taken in such manner as the person presiding over the meeting may determine.

- 27.8 Each member present at a meeting of the Committee or of any sub committee appointed by the Committee including the person presiding at the meeting, is entitled to one (1) vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 27.9 Written notice of each Committee meeting shall be served on each member of the Committee by delivering it to him/her at a reasonable time before the meeting or by sending it by pre-paid post addressed to him/her at his/her usual or last known place of abode at least two (2) business days before the meeting.
- 27.10 Subject to sub-clause 27.4 the Committee may act notwithstanding any vacancy on the Committee.

MINUTES

28. The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each Committee meeting in books provided for that purpose together with a record of the names and persons present at Committee meetings.

TREASURER

- 29.1 The treasurer of the Association:
- (a) shall collect and receive all moneys due to the Association and issue receipts for the same, and make all payments authorised by the Association; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 29.2 The accounts and books referred to in sub-clause 29.1 shall be available for inspection by members, at the address of the Treasurer.

FINANCE

30. Funds shall be obtained from entrance fees, members subscriptions, endowments, Government and other subsidies, grants and contributions, bequests, devises, public subscriptions, voluntary subscriptions, fund raising efforts and other such sources as the Committee determines.
31. All accounts must be paid by cheque drawn in accordance with clause 37.
32. The funds of the Association which are not immediately required shall be lodged in such investments as are authorised by law for the time being in force in Victoria for the investment of trust funds, or shall be held on deposit with a bank.
33. At least once in each financial year the books must be examined and audited by the auditor.

CUSTODY OF RECORDS AND OTHER DOCUMENTS

34. Except as otherwise provided in these rules, the Secretary shall keep in his/her custody or under his/her control all membership records, books and other documents of the Association.

AUDITOR

35. Any Auditor appointed shall be a member of some recognised association of Accountants, or if no such Auditor is available it shall be a person sufficiently versed in business practice to carry out capably the duties of Auditor.

REMOVAL OF COMMITTEE MEMBERS

- 36.1 The Association in general meeting may by resolution remove any member of the Committee before the expiration of his/her term of office and appoint another member in his/her stead to hold office until the expiration of the term of the first-mentioned member.
- 36.2 Where the member to whom a proposed resolution referred to in sub-clause 36.1 makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of

the Association the Secretary or President of the Association may send a copy of the representations to each member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

SIGHTING OF NEGOTIABLE INSTRUMENTS

37. All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by two (2) members of the Committee appointed by the Committee to do so.

COMMON SEAL

- 38.1 The common seal of the Association shall be kept in the custody of the Secretary.
- 38.2 The common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal shall be attested by the signature either of any two (2) members of the Committee or of any one (1) member of the Committee and of the Public Officer of the Association.

ALTERATIONS OF STATEMENTS OF PURPOSES AND RULES

39. These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

WINDING UP

40. The Association shall not be dissolved or wound up except by special resolution at a special general meeting of members called specially for that purpose.
- 41.1 If upon winding up or dissolution of the Association there remains, after satisfaction of all debts and liabilities, any assets of property whatsoever the same shall not be paid or distributed to any member but shall be given or transferred to:
- (a) some organisation having purposes similar to the purposes of the Association,
or
 - (b) as nominated by the Victorian Netball Association Incorporated.

We hereby certify that the foregoing proposed statement of purposes and foregoing proposed rules have been approved by a majority of the members of the East Doncaster Netball Club in general meeting.